



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Tony GIORDANO *et al.*

Confirmation No.: 4861

Application No.: 10/762,395

Group Art Unit: 1639

Filed: January 22, 2004

Examiner: J. Epperson

For: **Use of Post-Transcriptional Gene Silencing for Identifying Nucleic Acid  
Sequences that Modulate the Function of a Cell**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, **Mail Stop Amendment**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)**

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,  
Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97  
and 1.98.

- ☒ Pursuant to 37 C.F.R. §1.98, copies of documents 1-4 cited in the attached Form PTO-1449 are enclosed.
- ☐ Copies of the remaining publications listed on the attached Form PTO-1449 are not being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial Nos.:  
to which the above-identified application claims priority under 35 U.S.C. §120.
- ☐ Copies of documents that were not submitted in the above-mentioned related United States Patent Applications may be found in related United States Patent Application Nos.:  
Should the Examiner be unable to locate a document, a copy will be provided upon request.
- ☐ No copies of any U.S. patents or U.S. patent application publications listed on the attached Form PTO-1449 are being provided pursuant to 37 C.F.R. §1.98.

- ☒ Applicants would also like to bring to the Examiner's attention *Benitec v. Nucleonics* Civil Action No. 04-CV-0174 (JJF) in the U.S. District Court for the District of Delaware.

**Should the Examiner wish to review any documents in Applicants' possession related to this action, the Examiner is invited to contact the undersigned and any documents requested will be forwarded.**

- ☒ Documents 1, 2 and 4 listed on the attached Form PTO-1449 were cited in a foreign search or examination report corresponding to European application serial no. 02250681.0 and mailed on August 8, 2006. This application is related to the instant application.

- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).

- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. English language publication \_\_\_\_ (copy enclosed) claims priority from this non-English publication.

- ☐ An English translation of non-English document \_\_\_\_\_ is attached to the document. An English abstract of non-English publications \_\_\_\_\_ and \_\_\_\_\_, documents \_\_\_\_ and \_\_\_\_ respectively, may be found attached to the publication.

- ☐ The Examiner's attention is directed to related co-pending United States Patent Application Serial Nos.:

This Information Disclosure Statement is filed within any one of the following time periods:

- ☐ within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- ☐ within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;
- ☒ before the mailing date of a first office action on the merits; or
- ☐ before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Forms PTO-1449 to the undersigned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1283.

Dated: Feb. 26, 2007

**USPTO Customer No. 58249**  
COOLEY GODWARD KRONISH LLP  
ATTN: Patent Group  
1200 19th Street, NW Suite 500  
Washington, DC 20036-2412  
Phone: (202) 842-7800  
Fax: (202) 842-7899

Respectfully submitted,  
**COOLEY GODWARD KRONISH LLP**

By:

Bonnie Weiss McLeod  
Bonnie Weiss McLeod  
Reg. No. 43,255

